

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**September 18, 1997**

DIVISION TWO

[illegible]

The Court:

The judgment is affirmed.

Boren, P.J., Fukuto, J., Zebrowski, J.

B108496      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Nicholas W.

The judgment is affirmed.

Zebrowski, J.

We concur:   Fukuto, Acting P.J.  
                      Nott, J.

B106503      Anthony                  (Not for Publication)  
v.  
Hunter

The judgment is affirmed.

Zebrowski, J.

We concur: Boren, P.J.  
Fukuto, J.

DIVISION TWO (Continued)

B096844      Quality Mortgage USA, Inc.                      (Not for Publication)  
                 v.  
                 Willridge

The judgment is affirmed.

Zebrowski, J.

We concur:   Boren, P.J.  
                 Ito, J. (Assigned)

B096608      Singh    (Not for Publication)  
                 v.  
                 Latonya Denise Craft, et al.

The judgment is affirmed.

Zebrowski, J.

We concur:   Boren, P.J.  
                 Ito, J. (Assigned)

DIVISION THREE

Court convened at 9:30 A.M.

Present: Klein, P.J., Croskey, J., Aldrich, J., Aranda, J. (Assigned), and Valorie Gray,  
Deputy Clerk.

Each of the following:

B103154 Von Mueller v. Graciela  
B096296/B094121 Ellison Corp. v. Petrow  
B106711 People v. Lee  
B104173 People v. Perez  
B102520 People v. Ayala  
B104968/B109330 People v. Hargrave  
B105512 The Hertz Corporation v. Century Products, Inc.  
B103479 People v. Johnson, et al.  
B106007 People v. Bethea

Argument waived, cause submitted.

DIVISION THREE (Continued)

B095637 Rich Girl Entertainment

v.

Trans Atlantic Distributors, et al.

Merits:

Argued by Herbert Bernhard and Paul Hittleman for appellants and by W. Ruel Walker for respondent. Cause submitted.

B112683 People

v.

S.C.L.A.

Merits:

Argued by Patrick D. Moran, deputy district attorney for petitioner and by Andrew Reed Flier for real party in interest. Cause submitted.

B106201 Pieper

v.

Commercial Underwriters

Merits:

Argued by Jacqueline A. Axtell for appellant and by Steven Soltman for respondent. Cause submitted.

B093228 Silbernagel

v.

City of Los Angeles

Merits:

Argued by Allen E. Botney for appellant and by Michael Klekner, deputy city attorney for respondent. Cause submitted.

DIVISION THREE (Continued)

B099859     Bedrosian  
              v.  
              Keating, et al.

Merits:  
Argued by Ame M. Huarte for appellant and by Elliot Blut and Christina Slatton for respondents. Cause submitted.

B103209     Encore Industries  
              v.  
              Computer Enhancements

Merits:  
Argued by Richard Long for appellant and by Stanley R. Arnold for respondent. Cause submitted.

B098994     Ihnen  
              v.  
              Freeman, Freeman & Smiley, et al.

Merits:  
Argued by Daniel J. O'Connell for appellant and by Bruce Isaacs and Gary B. Torpy for respondents. Cause submitted.

Court recessed at 12:30 P.M.

The Court reconvened at 2:00 P.M.

Present: Klein, P.J., Croskey, J., Aldrich, J., Aranda, J. (Assigned), and Valorie Gray, Deputy Clerk.

B109952     Lask, et al.  
              v.  
              Macchia

Appearances:  
Susan Lask and Joycelyn DiPalma appellants in propria persona and there being no appearance by respondent. Argument waived, cause submitted.

September 18, 1997-Continued

### DIVISION THREE (Continued)

B095691      Joslin  
v.  
Horsfall

Merits:

Argued by A.T. Horsfall, in propria persona and by William R. Pardee for respondent. Cause submitted.

B089509      Goodman  
B087873      v.  
                 Harper

Merits:

Argued by Norman Pine for appellant and by Dennis Mullen for respondent. Cause submitted.

Court adjourned at 3:20 P.M.

## DIVISION FOUR

B100102 People (Not for Publication)  
v.  
Rodriguez

### The Court:

For the foregoing reasons, the judgment is modified to stay the punishment imposed on count 3 (assault with a firearm against Olga Garcia), and count 5 (assault with a firearm of Paula Hurtado), said stays to become permanent upon the completion of the sentence imposed upon count 2 and count 7, respectively, and in all other respects is affirmed. The trial court is directed to prepare and forward to the Department of Corrections an amended Abstract of Judgment in accord with this opinion.

Vogel (C.S.), P.J., Epstein, J., Hastings, J.

September 18, 1997-Continued

## DIVISION FOUR (Continued)

B108459 People v. Jones (Not for Publication)

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The Court:

The judgment is affirmed.

Epstein, Acting P.J., Hastings, J., Baron, J.

B095416      Hillecke      (Not for Publication)  
v.  
Farooq

The judgment is affirmed. Costs and attorney fees on appeal are awarded to respondent. The matter is remanded to the trial court for a determination of the proper amounts to be awarded.

Hastings, J.

We concur: Epstein, Acting P.J.  
Baron, J.

B105959 Alexandroff (Not for Publication)  
v.  
Farmers Group

The judgment (order of dismissal) is affirmed. Respondents are to recover their costs on appeal.

Hastings, J.

We concur: Epstein, Acting P.J.  
Baron, J.

September 18, 1997-Continued

## DIVISION FOUR (Continued)

B104150      Teaze of California Inc.      (Not for Publication)  
v.  
Labor Commissioner to the State of California

The judgment is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.  
Baron, J.

B105346      Padilla      (Not for Publication)  
v.  
W.C.A.B.  
Architecturally by Padilla & State Compensation Fund

The order of the Board denying the petition for reconsideration is annulled and the matter is remanded to the Board for further proceedings.

Hastings, J.

We concur: Vogel (C.S.), P.J.  
Baron, J.

B095393 Shemaria (Not for Publication)  
v.  
Snyder

The judgment is affirmed. Costs are awarded to respondents.

Hastings, J.

We concur: Epstein, Acting P.J.  
Baron, J.

DIVISION FOUR (Continued)

B105371     Sully-Miller Contracting  
              v.  
              C.L. Peck/Jones Brothers Construction

Filed order denying petition for rehearing.

DIVISION FIVE

Court convened at 8:00 A.M.

Present: Turner, P.J., Godoy Perez, J., Jackson, J. (assigned), and Jed H. Belcher,  
Deputy Clerk.

B115278     Robert Gagne  
              v.  
              City of Glendora

Merits:

Argued by Jack Rubens and Paul M. Miloknay for petitioner-appellant and  
by Kenneth D. Rozell and Carol A. Gefis for respondent. Cause submitted.

Court adjourned at 8:40 A.M.

DIVISION SIX

Civil	Kaplan	(Certified For Publication)
No.	vs.	
B107510	Coldwell Banker Residential Affiliates, Inc.	

The judgment is affirmed. Each side to bear its own costs on appeal.

Yegan, J.

We concur: Stone, P.J.  
              Coffee, J.



DIVISION SIX (Continued)

Civil	Matalon et al.	(Not For Publication)
No.	vs.	
B108084	Johnson	

Appellants have failed to demonstrate that if granted leave to amend they would be able to allege any viable cause of action, which is their burden. (Blank v. Kirwan, supra, 39 Cal.3d at p. 381. The order sustaining defendants' demurrer without leave to amend was not an abuse of discretion and is affirmed. Costs to respondents.

Stone, P.J.

We concur: Gilbert, J.  
Coffee, J.

Crim.	People	(Not For Publication)
No.	vs.	
B107824	Stocks	

The judgment is affirmed.

Stone, P.J.

We concur: Gilbert, J.  
Coffee, J.

Civil	Van Dyke	(Not For Publication)
No.	vs.	
B103828	GTE California Inc.	

The judgment is reversed with respect to the causes of action for breach of implied-in-fact contract and breach of the implied covenant of good faith and fair dealing. It is affirmed with respect to the cause of action for age discrimination. Each party shall bear its own costs.

Yegan, J.

We concur: Stone, P.J.  
Gilbert, J.

DIVISION SIX (Continued)

Civil No. B105051	Marriage of Pope	(Not For Publication)
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The trial court's order denying appellant modification of spousal support is affirmed. Respondent is awarded her costs on appeal together with her attorney fees to be determined by the trial court.

Stone, P.J.

We concur: Yegan, J.  
Coffee, J.

Civil No. B108053	Norton vs. Lovgren, et al.	(Not For Publication)
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The judgment is affirmed. Costs to respondents.

Yegan, J.

We concur: Stone, P.J.  
Gilbert, J.

Civil No. B108571	Corbani, et al. vs. Board of Supervisors of the County of Santa Barbara, et al.	(Not For Publication)
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The judgment (order dismissing action for lack of diligent prosecution) is reversed. The parties shall bear their costs on appeal.

Yegan, J.

We concur: Stone, P.J.  
Gilbert, J.